

REMARKS / ARGUMENTS

Claims 1-26 are pending in this application. Claims 1, 2, 4, 8, and 11 are currently amended.

The Examiner has rejected claims 1-26 of the present application under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,068,936, issued to Peiffer et al. (herein, "Peiffer"), in view of U.S. Patent No. 6,479,138 B1, issued to Childress (herein, "Childress"), U.S. Patent No. 5,632,843, issued to Lustig et al. (herein, "Lustig"), and a publication by Lamonte et al. entitled "Stiffer, Thinner Packaging Films with Improved Sealing Using Cyclic Olefin Copolymers" (herein, "Lamonte").

The claims have been amended in order to better reflect the invention. The claims, in their present form, require the presence of COCs in each of the layers of the film. These new limitations are in addition to the various other limitations in the claims.

Applicant respectfully submits that the Examiner's reliance on Peiffer as a primary reference is misplaced. The present invention relates to high speed shrink films. Unlike the present invention, Peiffer relates to multilayer films with heat sealing properties. Applicant respectfully points out that heat sealing applications are significantly different from shrink film applications. Thus, the desired properties of each of those films are totally different with respect to either modulus or melting point. It was surprisingly discovered that adding COCs increase the suitability for high speed packaging lines. The COCs improve the shrink initiation but do not provide a corresponding decrease in the modulus of the film. This is in contrast to softening olefins and other components such as those utilized for heat sealing properties.

Peiffer does not discuss the utilization of COCs in high speed heat shrink applications. This is expected because it would have been contrary to what was known in the art relative to the reduction in the modulus of the films.

Additionally, the presently amended claims require the presence of COCs in each layer of the film. Peiffer does not disclose such a teaching or suggest utilization of such a teaching

The Examiner suggests that by combining Peiffer with Childress, Lustig, and Lamonte, one would arrive at the present invention. However, since the desired properties for the heat sealing film in Peiffer differ from the desired properties of the shrink film of the present invention, there is also no motivation to combine Peiffer with the secondary references cited by

the Examiner in order to arrive at the present invention. Applicant notes that obviousness cannot be shown by combining the teachings of the prior art unless there is some teaching or incentive supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984); *In re Geiger*, 815 F.2d at 688, 2 USPQ2d at 1278 (Fed. Cir. 1987). Nonetheless, Applicant notes that even if the teachings of Peiffer could be properly combined with the secondary references, one would not arrive at the present invention. The secondary references fail to supplement the above-noted deficiencies in Peiffer. None of the references cited by the Examiner disclose utilization of COCs in high speed heat shrink applications or disclose the presence of COCs in each layer of a multi-layer film. Consequently, Applicant respectfully requests the Examiner to withdraw this rejection.

In view of the above information and remarks, Applicant respectfully requests reconsideration of the current rejections. Applicant submits that based on the foregoing, claims 1-26 in their present form are allowable over the cited prior art. Applicant further requests that a timely Notice of Allowance be issued in this case.

Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant respectfully requests an interview with the examiner and the examiner's supervisor prior to any new office action relating to the present Application. Attorney for the Applicant may be reached at the number listed below.

Respectfully Submitted,

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